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January 22, 2003

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JAN 22 2003

The Honorable Michael Powell, Chairman
Federal Communications Commission
445 Twelfth Street, S.W., 8th Floor
Washington, D.C. 20554

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

**Re: Further Supplemental *Ex Parte* Presentation
CC Docket Nos. 96-98, 01-338**

Dear Chairman Powell,

On December 4, 2002, the Association for Communications Enterprises ("ASCENT") submitted an *ex parte* presentation outlining a market based proposal for UNE-P's, the subject of the above referenced proceedings. On behalf of ASCENT and its affiliated companies, we herewith submit the affidavit of Jack Dayan, CEO of Spectrotel, Inc. d/b/a Plan B Communications, in support of the UNE-P market based proposal. Please associate the attached affidavits with the initial *ex parte* presentation submitted by ASCENT on December 4, 2002.

Questions or concerns regarding this submission should be addressed to the undersigned.

Sincerely,



William B. Wilhelm, Esq
Counsel for ASCENT

cc: Commissioner Kathleen Abernathy
Commissioner Kevin J. Martin
Christopher Libertelli
Matthew Brill
William Maher, Chief
Richard Lerner
Michelle Carey
Tom Navin
Rob Tanner

Commissioner Michael J. Copps
Commissioner Jonathan S. Adelstein
Jordan Goldstein
Dan Gonzalez
Jeffrey Carlisle
Scott Bergmann
Brent Olson
Jeremy Miller
Marlene H. Dortch, Secretary



AFFIDAVIT

State of **New Jersey**

County of **Monmouth**

I, Jack Dayan, hereby affirm that I am the CEO of Spectrotel, Inc. d/b/a Plan B Communications. In this capacity I am responsible for overall strategy, operating results and increasing company value.


Spectrotel, Inc. is a provider of local and long distance telephone service operating in six (6) states within the Northeast, with a majority of its existing business in New York, New Jersey, Massachusetts and Pennsylvania. To deliver local services to its customers, Spectrotel currently utilizes Verizon's UNE-P service. At present, Spectrotel, Inc. has over 15,000 customers, most of which are small-to-medium sized business customers or residential subscribers. Spectrotel is well regarded by both its customers and its suppliers. The company employs 65 full time professionals who are dedicated to assuring complete customer satisfaction.

As a competitive provider of local telecommunications service, a transition by the Federal Communications Commission away from UNE-P is certain to disrupt my company's ability to continue to provision service to its customers. Of particular concern is the company's ability to purchase a combination of wholesale switching, loops and ports as a UNE.

It is not possible, nor economically feasible, for Spectrotel, Inc. to self-provision local switching services at this time. Were the FCC to forebear from requiring the ILECs to provision switching services as a UNE, the company would be unable to obtain reliable substitute switching services at reasonable rates.

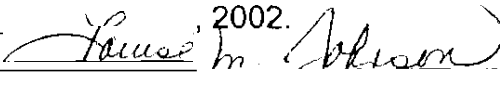
The only economical method for Spectrotel to continue to service both the small and medium size business customer and residential subscriber is to utilize the Incumbent Local Exchange carrier. For Spectrotel this means utilizing Verizon UNE-P service. Verizon is the only local exchange carrier that provides the switched services needed to offer a competitive product for customers in Spectrotel's service territories. Although there are other local exchange carriers that have switching capabilities, their footprint is limited to the metropolitan areas and are typically designed to service larger customers' local service requirements.

In the absence of a competitive wholesale market for switching services. it is unreasonable to believe that the incumbent would have any incentive to provision services at reasonable rates. Accordingly, until such a market exists on a central office, by central office basis, there is little doubt that Spectrotel, Inc. would be impaired from provisioning services to its customers absent the availability of UNE switching services.



(Signature of affiant)
Subscribed and sworn to before me, a Notary Public/
Rhinecliff County, New Jersey
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in the State and County above named, this 13 day of

January, 2002.


Louise M. Johnson

LOUISE M. JOHNSON
NOTARY PUBLIC OF NEW JERSEY
My Commission Expires July 10, 2005